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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,929	08/07/2003	Chien-Kuo Chang	13880 B	1946

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EXAMINER

MAI, LANNA

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/637,929	Applicant(s) CHANG, CHIEN-KUO	
	Examiner James T. Nelson	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The amended drawings were received on 24 November 2005. These drawings are acceptable.

Specification

2. The amended specification received on 24 November 2005. The corrections are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822). Gigante describes a metal shelving unit, use of metal and wood is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to use metal or wood to make the shelving unit of Gigante.
5. Regarding claim 1: In Fig. 1, Gigante shows a shelving unit comprising: a plurality of supporting frame bars arranged in parallel (F', F'', F'''). In Fig. 2, Gigante shows a cross section of a shelving unit including supporting frame bars (F'') each comprising an elongated vertical frame portion (8A), an elongated top horizontal frame portion (6) perpendicularly extended from the top end of the elongated vertical frame portion (8A), and an elongated bottom horizontal frame portion (6) perpendicularly extended from the bottom end of the elongated vertical frame portion (8A) and disposed in parallel to the elongated top horizontal

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frame portion (6), a wooden back panel (9) fastened to the elongated vertical frame portions (8A) of the supporting frame bars (F'') and supported between the elongated top horizontal frame portions (6) and elongated bottom horizontal frame portions (6) of the supporting frame bars (F''), a bottom panel (7) fixedly fastened to the elongated bottom horizontal frame portions (6) of the supporting frame bars (F''), a front open frame (1) fixedly fastened to the free ends of the elongated top horizontal frame portions (6) and elongated bottom horizontal frame portions (6) of the supporting frame bars (F'') and disposed in parallel to the back panel (9), the front open frame (1) having a plurality of locating grooves (G'), a plurality of partition board holders (13) fixedly fastened to the back panel (9) and horizontally aligned in a line, a top panel (4) fixedly fastened to the elongated top horizontal frame portions (6) of the supporting frame bars (F'') and maintained in parallel to the bottom panel (7), and a plurality of partition boards (7) respectively engaged into the locating grooves (G') of the front open frame (1) and the partition board holders (13) and spaced between the top panel (4) and the bottom panel (7).

6. Regarding claim 2: In Fig. 1, Gigante shows the shelving unit of claim 1, wherein the supporting frame bars include a left supporting frame bar (F'), a right supporting frame bar (F'''), and a middle supporting frame bar (F'') spaced between the left supporting frame bar (F') and the right supporting frame bar (F''').
7. Regarding claim 8: In Figs. 5 and 6, Gigante shows a shelving unit, as described in claim 1, wherein a panel (7) has two ends flanges respectively received into the channels (12, 13).
8. Regarding claim 9: In Figs. 5 and 6, Gigante shows partition board holders (13) comprising U-shaped clamps (13) fixedly fastened to the back panel (9) by a fastening element comprising a T-shaped integral flange.

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9. The phrase "TV rack" constitutes intended use and is given no patentable weight.
10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 2 above, in view of the French document (FR-1,143,195-A).
In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1 and 2, but lacks a back panel with a plurality of top notches respectively disposed in a top side thereof and adapted to receive the elongated top horizontal frame portions of said left, right and middle supporting frame bars respectively. In Fig. 12, the French document teaches a panel with a plurality of top notches (N') respectively disposed in a top side thereof and adapted to receive frame members (19). It would have been obvious to one skilled in the art at the time of invention to utilize the back panel with a plurality of top notches of the French document to receive the elongated top horizontal frame portions of the left, right and middle supporting frame bars of Gigante to allow the back panel to extend past the elongated top horizontal frame bars portions.
11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822) in view of the French document (FR-1,143,195-A), as applied to claim 3 above, and further in view of Brooks (U.S. Patent 1,643,738). Gigante as modified by the French document shows all aspects of claim 4, except a back panel comprising two vertical end flanges respectively, perpendicularly extended from two opposite lateral sides thereof and respectively hooked on the elongated vertical frame portions of said left and right supporting frame bars. In Fig. 6, Brooks shows a panel (6) with a plurality of partition board holders (40) fixedly fastened thereto and horizontally aligned in a line with two vertical end flanges (30) respectively, perpendicularly extended from two opposite lateral sides. It would have been obvious to one skilled in the art at the time of invention to hook the flanged panel of

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Brooks on the elongated vertical frame portions of said left and right supporting frame bars of Gigante, as modified by the French document, to cover frame bars in order to provide a more aesthetically pleasing appearance.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, in view of Korinsky (U.S. Patent 5,419,629). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1, but lacks a back panel with a plurality of elongated wire slots for the passing of wire members. In Fig. 2, Korinsky teaches a back panel (250) with a plurality of elongated wire slots (261) for the passing of wire members. It would have been obvious to one skilled in the art at the time of invention to incorporate the back panel (250) with a plurality of elongated wire slots of Korinsky into shelving unit of Gigante to allow for the passage of wires or cables.
13. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, and further in view of Weiss (U.S. Patent 2,971,805), previously cited on First Action. Webster's II New Riverside Dictionary defines the term *lug* (*n*): An earlike handle or projection, as on a machine, used as a hold.
14. Regarding claim 6: In Fig. 2, Gigante shows the shelving unit of claim 1, but lacks at least one horizontal mounting lug respectively provided at the free ends of the respective elongated top horizontal frame portions and elongated bottom horizontal frame portions. In Figs. 1 and 2, Weiss teaches at least one horizontal mounting lug (108) respectively provided at the free ends of the respective elongated top horizontal frame portions (354) and elongated bottom horizontal frame portions (350).
15. Regarding claim 7: In Fig. 2, Gigante shows the shelving unit of claim 6, wherein the front open frame (1) is fixedly fastened to the supporting frame bars (F''), but lacks horizontal

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mounting lugs. In Figs. 1 and 2, Weiss teaches horizontal mounting lugs (108) on the supporting frame bars (350, 354). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the mounting lugs of Weiss into the shelving unit of Gigante in order to improve the strength and rigidity of the shelving unit by adding supplemental fasteners.

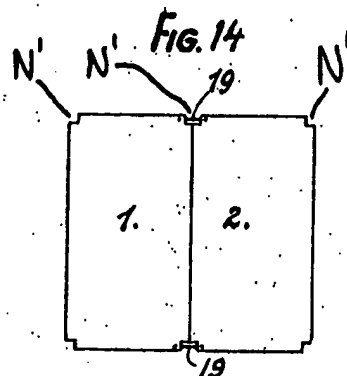
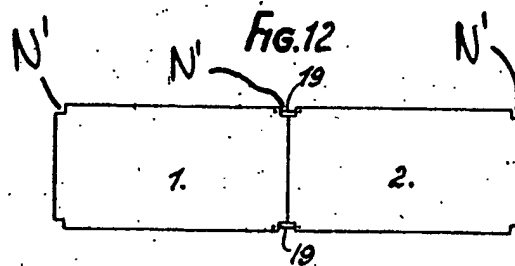
16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 9 above, in view of Stuart (U.S. Patent 6,119,992). In Fig. 2, Gigante shows the shelving unit of claim 9, but lacks fastening elements adapted to hold down partition boards. In Fig. 1, Stuart teaches U-shaped clamps (4) with fastening elements (4d) and tightening up screws (12) adapted to hold down partition boards (22). It would have been obvious to one skilled in the art at the time of invention to add the tightening up screws adapted to hold down the partition boards of Stuart to the U-shaped clamps of Gigante in order to better secure the partition boards.

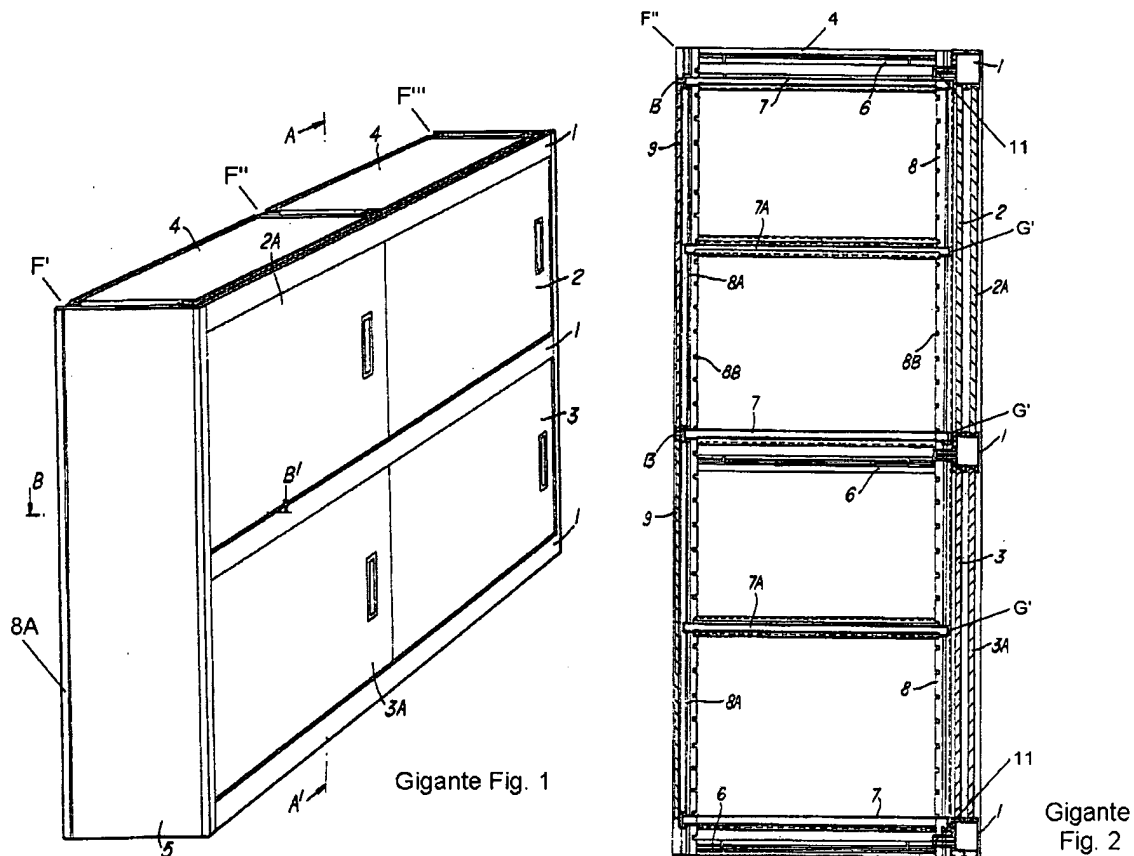
17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, further in view of DeWilde. In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1. In Fig. 4, Gigante also shows a top panel (4) fastened to the elongated top horizontal frame portions (6) of said supporting frame bars (F''), but lacks flanges on the top panel. In Fig. 2, DeWilde teaches flanges (44) on a top panel (34). It would have been obvious to one skilled in the art at the time of invention to combine the flanged top panel of DeWilde with the elongated top horizontal frame portions of Gigante to cover the horizontal frame portions in order to provide a more aesthetically pleasing appearance.

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18. Claim 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, in view of Mader (U.S. Patent 2,850,171). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1, including bottom horizontal supporting frame bars (6), but lacks a plurality of foot members respectively fastened to the elongated bottom portions of said supporting frame bars at a horizontal frame bottom side. In Fig. 2, Mader teaches a plurality of foot members (20) respectively fastened to the bottom side of the elongated bottom portions of the horizontal supporting frame bars (15). It would have been obvious to one skilled in the art at the time of invention to combine the foot members of Mader with the bottom horizontal supporting frame bars of Gigante to allow for height adjustability and leveling the shelving unit on an uneven floor.

FR-1,143,195-A





Response to Arguments

19. Applicant's arguments filed 28 November 2005 have been fully considered but are not persuasive or are moot in view of new rejections. Arguments drawn to the lack of lugs in Gigante have been addressed with new rejections based on references previously cited on First Action. The Office takes the position that the present invention as a whole would have been obvious at the time the invention was made to a person having ordinary skills in the art to which said subject matter pertains. The references cited on First Action meet all of the limitations recited in the claims.

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20. Gigante shows a device comprising most of the claimed elements. The terms “TV rack” and “cabinet” are merely nomenclature and are afforded no patentable weight. The combination of the metal frame bars, the wooden back, bottom and top panels and the partition boards is clearly shown in Gigante. Slotted interlocking members qualify as fasteners, as they serve to fasten the partition boards to the back panel.
21. Use of a frame with slots to hold shelves was known to those of ordinary skill in the art as early as 1872, as demonstrated by Blanchard (U.S Patent 130,406), and more recently demonstrated by DeVries (U.S. Patent 4,502,741).
22. With regards to the French document having multiple panels, the examiner contends that the panel includes sections. There is no limitation in the claims limiting the interpretation to a single panel. Korinsky shows slots serving to pass wires or cables through. Furthermore, commercially available audio / video furniture uses slots similar to those in the present invention. Stuart’s C-clamp structure is capable of supporting a shelf. DeWilde’s table is capable of supporting a television. Mader’s display rack is capable of supporting a television.
23. In response to applicant's arguments against the references individually (Korinsky, DeWilde, Mader, etc.), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson '302, McGunn, and Smith, show perimeter frames and other aspects of the described invention. Flamme and Schulze show a plurality of top notches. Anderson '140, Clarke, Ghafourian, Kohler '498, Kohler '555, and Stoevers all feature flanges. Blanchard and DeVries teach a front frame with partition board holders.
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lanna Mai, who can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTN
1/20/2006

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